

A G E N D A

BOARD OF SHELBY COUNTY COMMISSIONERS

CHARTER FORM OF GOVERNMENT

JANUARY 26, 2004

1:30 P.M. COMMISSION CONVENES

CALL TO ORDER

INVOCATION Minister Darrin Hill  
New Revelation Temple Church of God in Christ

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Sessions  
December 22, 2003

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

HOOKS 1. Resolution commending Reverend Dwight Montgomery,  
pastor of Annesdale Cherokee Missionary Baptist Church.

Ordinances

RENDTORFF 2. ORDINANCE – FIRST READING – An Ordinance to amend  
Section 12-28 of the Shelby County Code of Ordinances,  
Article II. Civil Service Merit System, to designate all Shelby  
County Head Start employees as Unclassified service  
employees.

MOSS 3. ORDINANCE – SECOND READING (ZTA 03-004 CC)  
(Approved in committee) A Joint Ordinance amending the Memphis and Shelby County  
Zoning Ordinance - Regulations adopted by the Shelby  
County Board of Commissioners on October 6, 1980, and the  
City Council of the City of Memphis on October 7, 1980, being  
Resolution and Zoning Ordinance No. 3064, as amended, so  
as to make certain changes therein as follows:  
Amend Zoning Ordinance to create a new Single Family  
Residential Infill (R-S6 I) Zoning District and amend Chart 1 (Uses  
Permitted) and Chart 2 (Bulk Regulations).

MOSS 4. ORDINANCE – SECOND READING (ZTA 03-005 CC)  
(Approved in committee) A Joint Ordinance amending the Memphis and Shelby County  
Zoning Ordinance – Regulations adopted by the Shelby  
County Board of Commissioners on October 6, 1980, and the  
City Council of the City of Memphis on October 7, 1980, being  
Resolution and Zoning Ordinance No. 3064, as amended, so  
as to make certain changes therein as follows:  
Amend Zoning Ordinance to amend Neighborhood Commercial  
(C-N) Zoning District and amend Chart 1 (Uses Permitted) to allow  
residential uses in the C-N District and Chart 2 (Bulk Regulations).

### **Zoning and Subdivisions**

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| <b>MOSS</b><br><br>(Approved in committee) | 5. <b>Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.</b> |
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### **Reports and/or Resolutions of Standing Committees**

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| <b>KIRK</b>      | 6. <b>Resolution to approve an amendment with Bull HN Information Systems, Inc. (BULL) for annual operating system software licensing for the Bull DPS9000 System, and to appropriate funds in the amount of \$197,454.00 from FY2003/2004 Operations and Maintenance, Account Number 010-201804-6780 for said licenses.</b>   |
| <b>KIRK</b>      | 7. <b>Resolution amending the contract with Chicago Title Insurance Company increasing title search expenses by \$50,000.00.</b>   |
| <b>LILLARD</b>   | 8. <b>Resolution appropriating funds in the amount of \$774,500.00 for right-of-way acquisition for various CIP projects and amending the FY2003/04 CIP Budget and FY2003/04 Road Department Budget.</b>   |
| <b>LILLARD</b>   | 9. <b>Resolution authorizing the mayor to enter into a contract with Barge Waggoner Sumner &amp; Cannon, Inc. for the design of construction improvements to Sycamore View Road from CSX Railroad to Farm Road and appropriating funds in the amount of \$220,000.00 from the FY2003/2004 Budget for CIP Project No. 100153, Sycamore View Road.</b>   |
| <b>AVERY</b>     | 10. <b>Resolution to approve a contract between the Memphis and Shelby County Health Department and the University of Memphis for the provision of services to reduce sale and use of tobacco in the amount of \$57,375.00 for the period July 1, 2003 – June 30, 2004.</b>  |
| <b>AVERY</b>     | 11. <b>Resolution to approve Amendment No. 1 to the Multi-Services Grant Contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health for the period July 1, 2003 – June 30, 2004 in the amount of \$285,800.00 for the administration of multi health services, amending five (5) FY2003/2004 Operating Budgets and amending the FY2003/2004 Position Control Budget to add seven (7) new positions and delete four (4) positions.</b> |
| <b>THOMPSON</b>  | 12. <b>Resolution to approve a Cooperative Agreement with the U.S. Department of Justice, Office of Justice Programs in the amount of \$138,019 an amending the FY2003-2004 Budget of the Victims Assistance Center.</b>   |
| <b>RENDTORFF</b> | 13. <b>Resolution approving the Delegate Contract between Shelby County Government and Goodwill Homes Community Services, Inc. for the term January 1, 2004 through June 30, 2004.</b>   |

- RENDTORFF

14.

Resolution approving the Delegate Contract between Shelby County Government and Metropolitan Interfaith Association for the term January 1, 2004 through June 30, 2004.
- RENDTORFF

15.

Resolution approving the Delegate Contract between Shelby County Government and Porter Leath Children’s Center for the grant year January 1, 2004 through December 31, 2004.
- RENDTORFF

16.

Resolution approving the Delegate Contract between Shelby County Government and the YMCA of Memphis and the Mid-south for the grant year January 1, 2004 through December 31, 2004.
- RENDTORFF

17.

Resolution approving the Delegate Contract between Shelby County Government and the YWCA of Greater Memphis for the grant year January 1, 2004 through December 31, 2004.
- MALONE

18.

Resolution to amend the FY2004 Operating Budget to allow for expenditure of all funds available from the grantor for supportive services pursuant to the current grant from the United States Department of Housing and Urban Development for Detoxification Services for Homeless People, and to authorize certain changes in contracts with providers of services funded by said grant.

REGULAR AGENDA

Elections, Appointments, and Confirmations

- WILLINGHAM

19.

Resolution nominating Jim Etheridge and Jon Thompson for reappointment to the Memphis and Shelby County Airport Authority Board for a term of seven (7) years. (Comm #7)
- MALONE

20.

Resolution nominating Johnnie Turner and Isaac Northern for reappointment, and Jerry Edmonds and Bill McGaughey for appointment to the Shelby County Health, Education, and Housing Facility Board for a term of six (6) years. (Comm #11)

Ordinances

- MOSS

21.

[Deferred by city 1/20; therefore county Deferred to 1/26/04; then county deferred to 2/23/04]

ORDINANCE – THIRD READING – An Amendment to the Joint Ordinance by the City Council of the City of Memphis and Resolution by the Board of the County Commissioners of Shelby County, creating the Memphis and Shelby County Office of Construction Code Enforcement and prescribing its power and duties; providing for the creation of a Joint Board of Appeals and the election of its chairman and vice chairman; providing for an Administrator and two Deputy Administrators for the office; providing for the distribution of funds accruing to said office and for the sharing the expense of operation of said board and office by said governmental bodies; creating Code Advisory Boards and Licensing Boards; adopting the current Shelby County Construction Codes as the Memphis and Shelby County Construction Codes; and authorizing the mayors of the City of Memphis and the County of Shelby to execute said agreements.

MOSS

(Approved in committee)

22.

**ORDINANCE – THIRD READING** (An Ordinance ZTA 03-002 CC)  
A Joint Ordinance amending the Memphis and Shelby County **Zoning Ordinance-Regulations** adopted by the Shelby County Board of Commissioners on October 6, 1980 and the City Council of the City of Memphis on October 7, 1980, being Resolution and Ordinance No. 3064, as amended, so as to make certain changes therein as follows:  
Amend Section 2, “Interpretations and Definitions”  
Section 26, “Overlay District Regulations” to add a new overlay district  
Section 26, FP floodplain district, paragraph 1.7

**Zoning and Subdivisions**

MOSS

deferred by committee to 1/26/04

23.

**CASE NO. Z 03-109 CC** (approved in committee 12/17/03 & 1/21/04; deferred by commission to 1/12/04,  
(companion item to 3<sup>rd</sup> Reading [12/8/03] Ordinances ZTA 03-001 and STA 03-001 CC)  
**APPLICANT:** Memphis and Shelby County Office of Planning and Development and City/County Public Works  
  
**LOCATION:** Fletcher Creek Drainage Basin, north of Shelby Farms between Summer Avenue on the west, Berryhill Road on the east and Memphis Arlington Road on the north.  
**REQUEST:** 1. Amend various sections of the Memphis and Shelby County Zoning Ordinance and Subdivision Regulations to create an overlay district for the Fletcher Creek Drainage Basin.  
2. Designate the area within the Fletcher Creek Drainage Basin as the Fletcher Creek Drainage Basin (FCD) Overlay District.  
  
Memphis and Shelby County Office of Planning and Development recommendation:  
APPROVAL  
Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL  
(Notice of public hearing published in the Daily News on Friday, October 17, 2003.)

MOSS

deferred to 2/9/04

24.

**CASE NO. P.D. 03-355 CC** (request by opposition to defer to 1/12/04;  
**APPLICANT:** Nellie B. Hamilton/Rusco Company  
  
**LOCATION:** North side of Holmes Road; +4,000 square feet east of Hacks Cross Road  
  
**REQUEST:** A planned development to permit 106 single family detached lots with a typical lot size a lot 8,750 square feet within the plan.  
  
Memphis and Shelby County Office of Planning and Development recommendation:  
REJECTION  
Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL WITH CONDITIONS  
(Notice of public hearing published in the Daily News on Friday, December 12, 2003)

MOSS	25.	<b>CASE NO. Z 03-124 CC</b> (deferred to 1/12/04; deferred to 2/9/04 to contact applicant)
	<b>APPLICANT:</b>	Toni Cox and Albert Nicholson
	<b>LOCATION:</b>	West side of Brunswick Road at Davies Plantation Road
	<b>REQUEST:</b>	Taking property out of the Agricultural (AG) Use District and including in the Residential Estate (R-E) Use District
	Memphis and Shelby County Office of Planning and Development recommendation:	
	<b>APPROVAL</b>	
	Memphis and Shelby County Land Use Control Board recommendation:	
	<b>APPROVAL</b>	
	(Notice of public hearing published in the Daily News on Friday, December 12, 2003.)	

Reports and/or Resolutions for Standing Committees

KIRK  (deferred to 1/26/04)	26.	Resolution to freeze the Shelby County Position Control Budget at the current positions and salaries except for increases provided by current policy.
KIRK  (deferred to 1/26/04)	27.	Resolution establishing the budget process for the fiscal year ending June 30, 2005, and all subsequent fiscal years.
KIRK	28.	Resolution to amend the FY2004 Operating Budget to provide \$100,000 for attorney fees from Commissioners' Contingency.
KIRK	29.	Resolution approving settlement agreement in case of Clark Construction Group, Inc., Plaintiff, VS. City of Memphis and the Memphis Cook Convention Center, Defendants, Civil Action No. 01-2780 U.S. District Court.
FORD	30.	Resolution to approve a new retirement program design for Shelby County Government and authorizing preparation of new plan documents. (approved in committee 1/14/04; goes straight to full commission for final approval on 1/26/04)
FORD	31.	Resolution to amend Shelby County Retirement System Plan A to clarify that employees of certain county-related governmental employers are eligible to participate in Plan A.
FORD	32.	Resolution to amend Shelby County Retirement System Plan A to stop benefit accruals for certain Agricultural Extension employees whose compensation is partially subsidized (rather than fully paid) by the county.
FORD	33.	Resolution to amend Shelby County Retirement System Plan A to change the manner in which interest on employee contribution accounts is calculated.

**BOLTON**

- 34. Resolution approving proposed legislation and requesting the Shelby County Legislative Delegation to introduce and support a legislative bill entitled “ An Act to Amend Tennessee Code Annotated, Title 40, Chapter 33, Section 211, relative to the earmarking of funds for Drug Court Treatment.”**

**Adjournment**

- 35. Resolution of Adjournment to February 9, 2004.**

**[For questions regarding the Agenda, please call  
Grace Hutchinson, Chief Administrator, at 545-4301.]**